

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.614 of 2015

ORDER :

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This Criminal Petition is filed by the Petitioners/ accused Nos.1 and 2 under Section 482 Cr.P.C seeking to quash the proceedings in C.C No.286 of 2014 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, where the learned Magistrate has taken cognizance for the offences under Sections 498-A, 406 IPC and Sections 4 & 6 of Dowry Prohibition Act, which is outcome of report of 2nd respondent—de facto complainant in Crime No.31 of 2013 of Women Police Station, South Zone, Hyderabad City.

2) Heard learned counsel for the petitioners/ accused Nos.1 and 2 as well as 1st respondent—State represented by learned public prosecutor before admission and before ordering notice to respondent No.2—de facto complainant. Perused the material on record.

3) Undisputedly no part-II CD even filed for the alleged offences taken cognizance by the learned Magistrate in the Calender Case supra.

4) As the material falls short for this Court to admit the application filed under Section 482 Cr.P.C, the same is disposed of, giving liberty to petitioners to file an application under Section 239 r/w 240 Cr.P.C before the trial Court if no grounds for framing charges for any of the offence to decide

on own merits from the prosecution material only vide **State of Orissa vs. Debendra Nath Padhi**^[1]. Needless to say, if any application filed by the petitioners under Section 205 Cr.P.C to represent through special vakalath holder or under Rule 37 Cr.R.P, the learned Magistrate shall hear and pass appropriate orders with necessary conditions.

4) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.20.08.2015
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Date: 20.08.2015

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